

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
DARREL ISAAC,

01 Civ. 2178 (PKC)

Petitioner,

ORDER

-against-

CHARLES GREINER,

Respondent.  
-----X

P. KEVIN CASTEL, U.S.D.J.

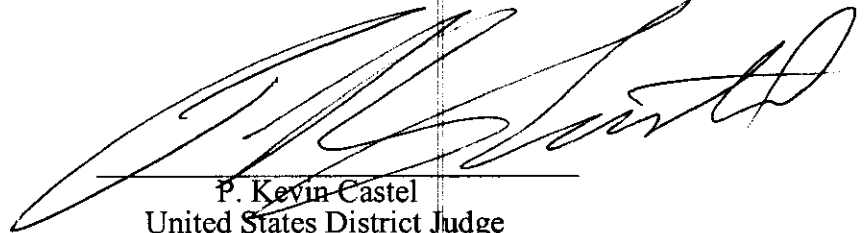
I have pending before me Darrel Isaac's petition for a writ of habeas corpus, including the Report and Recommendation of Magistrate Judge Fox.

By May 16, 2005, respondent shall submit an affidavit or declaration setting forth to the best of respondent's counsel's ability the following: (1) the racial composition of the jury; (2) any information about the racial compensation of veniremen struck either for cause or peremptorily by the prosecution; (3) the racial composition of the alternate jurors; (4) a statement as to whether any alternate jurors deliberated; and (5) any other facts bearing upon whether respondent met the standard for a prima facie case under Batson. Respondent also should address the holdings of Carter v. Kemna, 255 F.3d 589 (8th Cir. 2001), cert. denied, 534 U.S. 1085; United States v. Harris, 192 F.3d 580, 588 (6th Cir. 1999); and Nevius v. Sumner, 852 F.2d 463, 468 (9th Cir.), cert. denied, 490 U.S. 1059 (1988), and their applicability to this petition.

By May 30, 2005, petitioner shall file an affidavit or declaration setting forth all facts in support of his contention that he established a prima facie case under Batson, including those set forth in the letter of February 17, 2005. Petitioner's counsel may submit additional authority, including counsel's position as to the cases listed above.

By June 10, 2005, respondent's counsel may reply to petitioner's submission.

SO ORDERED.



P. Kevin Castel  
United States District Judge

Dated: New York, New York  
April 26, 2005